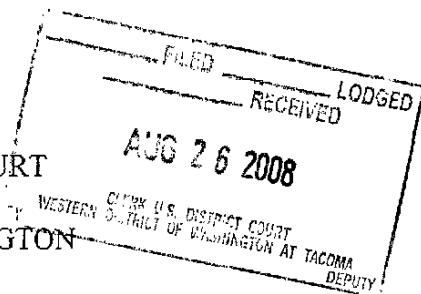




08-CV-05523-CMP

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON



Stephen Knight Lewis

(Name of Plaintiff)

08-5523 FDB/JRA

vs.

CIVIL RIGHTS COMPLAINT  
UNDER 42 U.S.C. § 1983

State of Washington

Department of Corrections

Counselor Clark of Larch

Correctional Facility

(Names of Defendants)

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner:  Yes  No

B. If your answer to A is yes, how many?: N/A Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff N/A

Defendants N/A

2. Court (give name of District)

N/A

3. Docket Number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)  
N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Place of Present Confinement: Pierce County Jail 3WIC9 910 Tacoma Ave S, Tacoma, WA 98402

A. Is there a prisoner grievance procedure available at this institution?  
 Yes  No

B. Have you filed any grievances concerning the facts relating to this complaint?  
 Yes  No

If your answer is NO, explain why not Department of Corrections ISSUE

C. Is the grievance process completed?  Yes  No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

III. Parties to this Complaint

A. Name of Plaintiff: Stephen Lewis Inmate No.: 2008211020  
Address: Pierce County Jail 3WIC9 910 Tacoma Ave S, Tacoma, WA 98402

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Name of Defendant: Counselor Clark of Larch Correctional Facility  
Official position: Counselor for DOC  
Place of employment: Larch Correctional Facility  
Address: Larch Correctional Facility

C. Additional defendants State of Washington, Department of Corrections

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### III. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

2001 plaintiff plead guilty to assault<sup>2</sup> with sexual motivation. Due to the conviction the court ordered a presentence reports on the plaintiff, which includes risk assessment report, Any victim statement report, and any statement of criminal history provided by the department of corrections. Criminal history is a list of plaintiff's prior and juvenile convictions, whether in this State, federal court, or elsewhere which is done by the State of Washington Department of Corrections. The state confirmed that the plaintiff had no prior sexual or juvenile convictions. Due to the crime the plaintiff had to register as an sex offender. Based upon the presentence reports, and the risk assessment report the plaintiff was required to register as an level 1 offender provided by the State of Washington Department of Corrections reports and trial courts finding. The requirements was minimum from 2001-2004. Later in 2004 plaintiff goes to Department of Corrections (DOC) to serve 17 months for multiple crimes of psp<sup>2</sup>. The plaintiff got sent to Larch Correctional Facility from Airweight Heights Correctional Facility, which plaintiff was assigned to Counselor Clark. 2005 plaintiff is close to being release from (DOC). Counselor Clark, CVS and another counselor of Larch Correctional Facility held a meeting with plaintiff. Counselor Clark stated that he submitted information which the State had determined was not a prior conviction because he felt like there was nothing done about the allegation to the Sheriff Dept. of Pierce County. The State of Washington has a policy and procedure for reporting information to Law Enforcement Agencies which requires current and prior sex or Kidnapping convictions to classify Sex offenders who are being release back into the community. Due to the fact that Counselor Clark Submitted false information to the Sheriff Dept. of Pierce County, the plaintiff requirements and level of classification went higher when the State of Washington and its Department of Corrections has a policy and procedure to prevent such due process procedural civil rights violations. Counselor Clark of Department of Corrections action is the cause in fact of the Sheriff Department action, for raising plaintiff risk level and classification level. Due Process rights attach to the classification of the risk such individual presents on their release from confinement. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations. The court in 2001 and sheriff Dept, DOC, and the state had already set the condition for probation, sentence range, and classification level in 2001. No other prior sexual conviction in history. Plaintiff had no probation on the property crimes for which he was serving prison time for, in 2004. The classification Level was determined in 2001. No other crime was committed to change level of classification.

**IV. Relief**

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Plaintiff seeks relief in the amount of 4.5 million dollars for special damages; Attorney cost for this action under federal rule 42 USC §1983; and punitive damages to be decided by jury. Also plaintiff seeks to have his level of classification back to the original level which was level I.

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I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12<sup>th</sup> day of August, 2008.

Stephen Knight Lewis  
(Signature of Plaintiff)

plaintiff was not being release for an sex offense And the plaintiff was already on probation for a total of 34 months with 2 remaining after the sentence of 17 months for property crimes. The plaintiff was active in the Community and on probation in 2001-2004, which during the period of being in the community and on probation, the State, Sheriff Dept, Court, nor DOC recommend an change in my classification level throughout 2001-2004. The plaintiff was classified twice for the same offense in 2001 and 2005 in which the original classification was determined in 2001.